REMARKS/ARGUMENTS

Claim 6 is amended to more particularly define the invention. Support can be found near the end of page 7 and the paragraph bridging pages 9 and 10.

New Claim 11 finds support at page 8, line 2.

Applicant's election without traverse of group II, Claim 6-10, is confirmed.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Höhn et al. (US 6,277,301, newly cited, hereinafter Höhn) and in view of Suzuki et al. (JP 2003327961, previously cited, hereinafter, Suzuki.)

The Examiner's rejection is based on the interpretation that Suzuki discloses a similar method including a step of forming an inorganic phosphor compound via liquid phase or a spray pyrolysis (aerosol) to an aerosol deposition method of the present invention.

Applicants request reconsideration of the combination rejection. It is applicants' position that the aerosol deposition method of the present invention as now claimed is totally

different from liquid phase or a spray pyrolysis disclosed in Suzuki or other art, as explained below.

Concerning the liquid phase process of Suzuki, the aerosol deposition method of the present invention employs no liquid phase at all. It involves a method in which particles are deposited on a substrate via collision of the particles with a surface of the substrate in a vacuum. A liquid phase process is impossible to be conducted in a vacuum, which is now required by the claims.

Concerning the spray pyrolysis of Suzuki, the spray pyrolysis is described in paragraph [0064) of Suzuki (machine translation of JP 2003327961 done by JPO) as described below.

"(Evaporative decomposition) Evaporative decomposition concerning this invention is explained. Evaporative decomposition concerning this invention is a method of spraying a raw material solution with a nozzle or an ultrasonic wave, considering it as a minute drop, and obtaining the target fluorescent substance particle by evaporation and a pyrolysis of a solvent of this minute drop."

[Attorney comment: We are advised by client that this machine translation should have used the more usual term "vaporize" to better reflect the meaning. That is, spray pyrolysis is one of liquid phase processes by which sprayed liquid droplets are introduced into a heating furnace to vaporize a solvent at atmospheric pressure for chemical reaction, and particles are nucleated and grown.]

The aerosol deposition method of the present invention utilizes neither nozzle or ultrasonic wave nor spraying, and also employs no "evaporation" (i.e. vaporization) or pyrolysis of a solvent of minute drops, either. The aerosol deposition method is detailed on page 7 lines 15-20 of the present application). As required by Claim 6, particles are deposited on a substrate via collision of the particles with the surface under vacuum. Spray pyrolysis is a liquid phase method not done in a vacuum. Also, there is no collision of particles with the substrate surface in vacuum (as required in the claims), at all.

Unexpected results such as high reliability and longer operating life of a white LED together with high-speed film formation at low cost

via the aerosol deposition method can be obtained as seen on page 14 line 16 - page 15 line 2, and in Table 1 of page 14.

It is therefore submitted that the claims clearly contain limitations, the importance of which is explained herein and greatly detailed in the last response, which distinguish over the art.

The general description in Höhn does not disclose the method comprising a step of forming the phosphor layer via an aerosol deposition method. Therefore, combining it with Suyuki cannot render the claimed invention obvious.

Accordingly, the above-described matters clearly distinguish Höhn in view of Suzuki from the present invention. Therefore, the method of the present invention would not have been obvious over a combination of Höhn et al in view of Szuki et al.

In view of the above, whichdrawal of the rejections and allowance of the application are respectfully requested.

Respectfully submitted,

Frishauf, Holtz, Goodman
& Chick, P.C.
220 Fifth Ave., 16th Floor
New York, NY 10001-7708
Tel. No.: (212) 319-4900
Fax No.: (212) 319-5101
MJC:sg

MARSHALL J. CHICK
Reg. No. 26,853